

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 12/6/2012

Action Requested By:
Community
Development

Agenda Item Type
Resolution

Subject Matter:

Modification of Agreement between the City of Huntsville and Family Services Center, Inc., for HOME Investment Partnership Grant Fund.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify contract 10-565, July 22, 2010 with Family Services Inc., to extend contract completion date.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Construction of affordable housing units was delayed until the current inventory of housing units was sold.

Associated Cost:

Budgeted Item: Yes

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____



Date: _____

11/19/12

ROUTING SLIP
CONTRACTS AND AGREEMENTS

Originating Department: Community Development

Council Meeting Date: 12/6/2012

Department Contact: **Ken Benion**

Phone # 256-427-5427

Contract or Agreement: **Contract**

Document Name: **Modification No. 4 to resolution No. 10-565**

City Obligation Amount:

Total Project Budget:

Uncommitted Account Balance:




Account Number:

Procurement Agreements

<u>Select...</u>	<u>Select...</u>
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Grant-Funded Agreements

Federal HUD	Grant Name: HOME Investment Partnership Grant
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Department	Signature	Date
1) Originating		11/19/12
2) Legal		11-29-12
3) Finance		11/27
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

RESOLUTION NO. 12-_____

WHEREAS, the City of Huntsville, Alabama, received a grant under Title I of the Housing and Community Development Act of 1974, as amended, from the U.S. Department of Housing and Urban Development (HUD),

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor of the City of Huntsville is hereby authorized, requested and directed to enter into Modification No. 4 to the Agreement between the City of Huntsville, Alabama and Family Services Center, Inc., as adopted by Resolution No. 10-565 on July 22, 2010 for Home Investment Partnership Funds, said modification being substantially similar in words and figures to that document identified as "Modification No. 4 to the Agreement Between the City of Huntsville and Family Services Center, Inc. dated July 22, 2010, as adopted by the City Council of the City of Huntsville by Resolution No. 10-565, as modified by the Agreement dated October 14, 2010 and adopted by Resolution No. 10-824 of the Huntsville City Council, as modified by the Agreement dated August 25, 2011, and adopted by Resolution No. 10-824 of the Huntsville City Council as modified by the Agreement dated August 25, 2011 adopted by Resolution No. 11-628 of the Huntsville City Council." as modified by the Agreement dated March 22, 2012 adopted by Resolution No. 12-260 of the Huntsville City Council." consisting of four (4) pages, and the date of December 6, 2012, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, an executed copy of said document being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville.

ADOPTED this the 6th day of December, 2012.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 6th day of December, 2012.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA
COUNTY OF MADISON

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Modification No. 4 to the Agreement Between the City of Huntsville and Family Services Center, Inc. dated July 22, 2010, as adopted by the City Council of the City of Huntsville by Resolution No. 10-565, as modified by the Agreement dated October 14, 2010 and adopted by Resolution No. 10-824 of the Huntsville City Council as modified by the Agreement dated August 25, 2011, adopted by Resolution No. 11-628 of the Huntsville City Council as modified by the Agreement dated March 22, 2012 adopted by Resolution No. 12-260 of the Huntsville City Council.

CONTRACT MODIFICATION NO. 4

THIS MODIFICATION NO. 4 TO AN AGREEMENT is entered into on this the 6th day of December, 2012, by and between the CITY OF HUNTSVILLE, Alabama (City) and FAMILY SERVICES CENTER, INC. (AGENCY), an Alabama non-profit corporation.

WITNESSETH

WHEREAS, the City received Home Investment Partnership (HOME) funds through a grant from the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the City and the Agency previously entered into an agreement dated July 22, 2010, wherein the City passed along a portion of the said grant funds to the Agency for expenditure according to the terms of the said grant; and

WHEREAS, the said agreement was adopted and approved by the City Council of the City of Huntsville by Resolution No. 10-565; and

**President of the City Council of the
City of Huntsville, Alabama
Date: December 6, 2012**

WHEREAS, the parties entered into Modification No. 1 to the said agreement on October 14, 2010, pursuant to Resolution No. 10-824 of the City Council of the City of Huntsville; and

WHEREAS, the parties entered into Modification No. 2 to the said agreement on August 25, 2011, pursuant to Resolution No. 11-628 of the City Council of the City of Huntsville; and

WHEREAS, the parties entered into Modification No. 3 to the said agreement on March 22, 2012, pursuant to Resolution No. 12-260 of the City Council of the City of Huntsville; and

WHEREAS, the parties desire to amend the said agreement to extend the "Construction Completion Date" and the "Project Homeownership Completed Date" set forth in the agreement.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree to modify the Agreement as follows:

1. Replace Section 2 of the Agreement, as modified, in its entirety with the following:

TIME OF PERFORMANCE:

The DEVELOPER shall perform according to the following schedule:

<u>Program Element</u>	<u>Deadline</u>
• Execute Contract for Project	July 22, 2010
• Pre-construction Conference	August 2, 2010
• Project Start Date	September 2, 2010
• Construction Completion Date	September 30, 2013
• Project Homeownership Sale Started	October 1, 2011
• Project Homeownership Completed	December 30, 2013

2. Monitoring Period 5-15 years for each home in accordance with the applicable affordability period as calculated per home sale.
3. All other terms and conditions of the original Agreement as modified remain unchanged in full force and effect.

IN WITNESS WHEREOF, the parties hereto have entered into this agreement on the day and year first above written.

ATTESTED:

THE CITY OF HUNTSVILLE, ALABAMA

By: _____

By: _____
Mayor Tommy Battle

Date: _____

ATTESTED:

**Family Services Center an Alabama
Non-Profit Corporation**

By: _____

By: _____

Date: _____

Its: _____